

EXHIBIT 4

TRIAL TRANSCRIPT

AUGUST 27, 2025

Volume 7

Pages 1221 - 1416

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Richard Seeborg, Judge

ANIBAL RODRIGUEZ, et al.,)
individually and on behalf of)
all others similarly situated,)
)
Plaintiffs,)
)
VS.) NO. 3:20-CV-04688 RS
)
GOOGLE LLC,)
)
Defendant.)
)

San Francisco, California
Wednesday, August 27, 2025

TRANSCRIPT OF JURY TRIAL PROCEEDINGS

APPEARANCES:

For Plaintiffs:

BY: BOIES SCHILLER FLEXNER LLP
333 Main Street
Armonk, New York 10504
DAVID BOIES, ATTORNEY AT LAW
ALEXANDER BOIES, ATTORNEY AT LAW
M. LOGAN WRIGHT, ATTORNEY AT LAW

BY: BOIES SCHILLER FLEXNER LLP
2029 Century Park East, Suite 1520n
Los Angeles, California 90067
ALISON L. ANDERSON, ATTORNEY AT LAW

REPORTED BY: Ana Dub, RDR, RMR, CRR, CCRR, CRG, CCG
CSR No. 7445, Official United States Reporter

1 **A.** It's free and unlimited. It offers behavioral and
2 attribution analytics. It's easy to get started and to extend.
3 And customers own their data.

4 **Q.** I want to ask you why -- why is that last bullet point a
5 strength?

6 **A.** This differentiates Google Analytics from some of its
7 competitors. So, for example, Facebook Analytics, at the time,
8 they owned the data from their analytics product that their
9 developers used.

10 **Q.** And Google does not own the data that the app developers
11 send to Google?

12 **A.** No, it doesn't.

13 **Q.** How do you know that?

14 **A.** That's in our terms of service.

15 **Q.** Let's look at the weaknesses slide.

16 So these are competitive weaknesses of analytics in the
17 market?

18 **A.** Yes.

19 **Q.** So I want to ask you about the second bullet point on
20 Analytics for Firebase weaknesses. Can you just read that to
21 the jury?

22 **A.** [As read] :

23 "Facebook's identity graph is more readily
24 usable than ours."

25 **Q.** Can you just explain what that means?

1 **A.** This means that Facebook Analytics did offer more rich
2 insights to their app developers because they shared their
3 identity graph with the data that's collected.

4 **Q.** What is an identity graph?

5 **A.** This is everything that Facebook would know about a user.
6 This would be their -- you know, if they knew phone number,
7 email address, any other personal information, that they would
8 use this in conjunction with the Facebook Analytics data.

9 **Q.** From the period 2016 to 2024, were you at a competitive
10 disadvantage to Facebook for this reason?

11 **A.** Yes.

12 **Q.** During that time, did you consider ignoring the sWAA
13 control and competing with Facebook by identifying everyone's
14 data?

15 **A.** No.

16 **Q.** Why not?

17 **A.** Because that would not be consistent with users'
18 expectations on how the sWAA control works.

19 **Q.** Well, you could just dump the sWAA control and then
20 compete better with Facebook, couldn't you?

21 **A.** In theory.

22 **Q.** Did you consider doing that?

23 **A.** No.

24 **Q.** Have you ever heard anybody propose that, to compete
25 better with Facebook, Google should just start reidentifying

1 all of the data?

2 **A.** No.

3 **Q.** Does this remain a competitive disadvantage to this day?

4 **A.** Yes.

5 **Q.** I'd like to ask you about, at the bottom, the bullet point
6 that says [as read] :

7 "Aggregated-only reports and audiences with
8 client-side persistence."

9 Why is -- can you just explain that bullet point?

10 **A.** "Aggregated-only reports and audiences" refers to the
11 reports that we walked through yesterday in the video. These
12 were, like, the number of daily active users, the number of
13 events that are logged, that sort of thing.

14 "Client-side persistence," I'm going to be honest and say
15 I'm not sure what that refers to here.

16 **Q.** Why are aggregated-only reports and audiences a
17 competitive weakness for analytics?

18 **A.** Well, other tools which are more rich in sharing, like
19 Facebook, offering these, you know, identity graph insights at
20 the user level might be more appealing to businesses, but
21 that's just not something that Google Analytics was going to
22 offer.

23 **Q.** So Facebook is providing -- your understanding is that
24 Facebook was providing analytics customers user-level
25 reporting?

1 **A.** Yes, that was my understanding. But more so that Facebook
2 Analytics was mixing their identified data with the analytics
3 users' data to enrich Facebook profiles.

4 **Q.** I see.

5 Now, does that competitive weakness, did that persist
6 throughout the 2016 to 2024 time period?

7 **A.** Yes.

8 **Q.** Did you consider doing it the Facebook way?

9 **A.** No.

10 **Q.** Why not?

11 **A.** That's -- that would be incongruous with the users'
12 expectations on how our products work, out of step with our
13 privacy policies.

14 **Q.** Mr. Ganem, I want to ask you, personally, would you want
15 to be the head of Google Analytics if you were ordered by
16 Google to do it the Facebook way?

17 **A.** I would quit.

18 **Q.** I want to look at Tab 9 in your binder. You were shown
19 this document just a moment ago by Mr. Boies. This is
20 Exhibit 232, and you were shown Slide Number 4. So if we could
21 just flip to that slide.

22 I just want to make sure we're all on the same page
23 because you and Mr. Boies had a back-and-forth about whether
24 that says app or not in that first subbullet.

25 Can you just -- let's take a step back and explain what's

1 **Q.** So your data would be cleaner, from a privacy standpoint,
2 than analytics data from a third party?

3 **A.** Yes.

4 **Q.** What's an example of one of those third parties?

5 **A.** AppsFlyer.

6 **Q.** And did you say AppsFlyer -- where do they stand in the
7 market with respect to conversion measurement?

8 **A.** Clear number one.

9 **Q.** So let's look at -- well, let me -- just a quick question.

10 To your knowledge, does Facebook have a button like WAA
11 that allows people to opt out of the collection of identified
12 analytics data?

13 **A.** Not to my knowledge.

14 **Q.** What about Adobe?

15 **A.** Not to my knowledge.

16 **Q.** What about Crazy Egg?

17 **A.** I hadn't heard about Crazy Egg till yesterday, so I don't
18 know.

19 **Q.** Are you aware of any major analytics SDK that you compete
20 with that provides users the ability to opt out of the
21 identification of their analytics data?

22 **A.** No.

23 **Q.** Have you considered competing better with those
24 competitors by not providing the opt out that Google provides?

25 **A.** No.

1 **Q.** Have you heard anybody propose doing that?

2 **A.** No.

3 **Q.** Have you heard anyone propose abolishing sWAA so that
4 Google could make more money and have a better analytics
5 product?

6 **A.** No.

7 **Q.** Speaking of money, Mr. Ganem, you were asked yesterday
8 about the value to Google -- I think Mr. Boies began by talking
9 to you about the value to Google of analytics data. Do you
10 remember that?

11 **A.** Yes.

12 **Q.** And I think at some point he asked you about the value of
13 conversion measurement, and you guys had a bit of a
14 back-and-forth.

15 Can you just explain, in your own words, how conversion
16 measurement helps Google be a stronger business?

17 **A.** Yes. So conversion measurement is a report card to
18 advertisers about how well their advertising is working
19 relative to their goals. And so Google Analytics does offer
20 such a report card, but it's focused exclusively on Google Ads.

21 And these AAPs, like AppsFlyer, they offer a report card
22 across Google, Meta, TikTok, and others; and most of our
23 advertisers simultaneously advertise across all these
24 platforms. So that report card is actually more useful for
25 them than ours.